

1 ANDREA ISSOD (CABN 230920)
2 JOSHUA SMITH (ORBN 071757) *admitted pro hac vice*
3 MARTA DARBY (CABN 310690)
4 Sierra Club Environmental Law Program
5 2101 Webster Street, Suite 1300
6 Oakland, CA 94612
Telephone: (415) 977-5544
Fax: (510) 208-3140
andrea.issod@sierraclub.org
joshua.smith@sierraclub.org
marta.darby@sierraclub.org

7 | Attorneys for Plaintiff Sierra Club

8 ALEX G. TSE (CABN 152348)
9 United States Attorney
SARA WINSLOW (DCBN 457643)
10 Chief, Civil Division
JULIE BIBB DAVIS (CABN 184957)
11 Assistant United States Attorney
450 Golden Gate Avenue, 9th Floor
12 San Francisco, CA 94102
Telephone: (415) 436-7066
13 FAX (415) 436-7169
Julie.Davis@usdoj.gov

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

19 SIERRA CLUB,) CASE NO. 17-cv-05273-KAW
20 Plaintiff,)
21 v.) STIPULATION AND PROPOSED ORDER
22 U.S. DEPARTMENT OF HOMELAND) CONTINUING CASE MANAGEMENT
23 SECURITY and U.S. CUSTOMS AND) CONFERENCE
24 BORDER PROTECTION,)
Defendants.)

26 Plaintiff Sierra Club (“Plaintiff”) and Defendants United States Department of Homeland
27 Security and U.S. Customs and Border Protection (“Defendants”), by and through their respective
28 counsel, make the following representations and stipulate and agree as follows:

1 This case is set for a case management conference on August 21, 2018 before Magistrate Judge
2 Kandis A. Westmore. Dkt. No. 32.

3 On March 26, 2018, the parties agreed to a production schedule that requires Defendants to
4 conduct new searches for documents responsive to Plaintiff's Freedom of Information Act requests
5 using search terms agreeable to both parties. *See* Dkt. No. 30.

On May 31, the agency produced about 1,000 pages of documents; on June 25, the agency produced about 1,100 pages; and on July 31, the agency produced about 3,000 pages. All three productions included many pages that were redacted in full or nearly so; and extensive redaction was present throughout. The agency cited various FOIA exemptions or “non-responsive” to justify most redactions, but no other explanation was provided. The primary FOIA exemptions cited were FOIA exemptions (b)(5), (b)(6), and (b)(7)(E).

On July 6, counsel for the parties conferred about the documents then produced to date and agreed to continue conferring over the next month to attempt to resolve Sierra Club’s concerns about the high level of redaction. On July 19, Sierra Club outlined its concerns in an email to agency’s counsel; on August 8, the parties discussed the agency’s response, which was subsequently memorialized in writing. Although Sierra Club’s concerns have not been fully addressed, the agency has been responsive, and the parties have agreed to continue to confer to attempt to resolve Sierra Club’s concerns. In light of these ongoing discussions, the parties agreed that they would jointly move to continue the August 21, 2018 case management conference.

Based on the foregoing, the parties respectfully request that the August 21, 2018 case management conference be continued until October 16, 2018.

Respectfully submitted,

24 || Dated: August 13, 2018

SIERRA CLUB ENVIRONMENTAL LAW PROGRAM

/s/ *Marta Darby*

MARTA DARBY
Attorney for Plaintiff

Respectfully submitted,

Dated: August 13, 2018

ALEX G. TSE
United States Attorney

*/s/ Julie Bibb Davis
JULIE BIBB DAVIS
Assistant United States Attorney
Attorneys for Defendants

**In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury that each signatory has concurred in the filing of this document.*

[PROPOSED] ORDER

Pursuant to the stipulation by the parties, the Court hereby continues the August 21, 2018 case management conference to October 16, 2018 at 1:30 p.m. before Magistrate Judge Kandis A. Westmore. The parties shall file a joint case management conference statement on or before October 9, 2018.

IT IS SO ORDERED.

Dated: 8/14/18

Kandis Westmore
THE HONORABLE KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE